IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2878 of 1987

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PUNAMCHAND NATHALAL PANDYA - Petitioner(s)

Versus

MANAGER & 1 - Respondent(s)

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Appearance :

MR VK MASHAR for Petitioner No(s).: 1.

MR DAXESH T DAVE for Respondent No(s).: 1.
RULE NOT RECD BACK for Respondent No(s).: 2.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 25/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the award dated 16.12.1986 passed by the Labour Court, Nadiad in

Reference LAC No.308 of 1984, whereby the petitioner was not granted reinstatement and was paid an amount of Rs.350/- towards one month salary.

2.0 The brief facts of the case are that the petitioner was working as an Operator with the respondent. On 20.04.1984 the services of the petitioner were terminated by the respondent. Against the said action, the petitioner raised an industrial dispute, which, ultimately, culminated into a reference. The Labour Court, by impugned award, partly allowed the reference as aforesaid. Hence, this petition.

3.0 On 14.06.2005, the matter was listed before this Court and on that day learned advocate for the petitioner was not present. Today also, even in the second call, learned advocate for the petitioner is not present. Hence, the matter is proceed in the absence of the learned advocate for the petitioner.

4.0 In the impugned award, the Labour Court has recorded a finding that the petitioner himself had stated in his statement of claim that he was serving with the respondent as an Operator for the last four months and

that he was dismissed from service suddenly. Therefore, it can be clearly inferred that the petitioner was not a permanent workman and that he had not completed 240 days of service in the year. In my opinion, the Labour Court was completely justified in denying him reinstatement in service. I am in complete agreement with the reasonings given by the Labour Court and find no reason to interfere in this petition. Hence, the petition deserves to be dismissed.

5.0 In the result, the petition is dismissed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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